

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ROBERT D. SANGO, #25220,

Plaintiff,

Case No. 1:14-CV-164

v.

HON. ROBERT HOLMES BELL

TOM TYLUKI,

Defendant.

_____ /

**ORDER APPROVING AND ADOPTING
MAGISTRATE JUDGE’S REPORT AND RECOMMENDATION**

On December 15, 2014, United States Magistrate Judge Phillip J. Green issued a report and recommendation (“R&R”) recommending that Defendant’s motion for summary judgment based on failure to exhaust administrative remedies (ECF No. 43) be granted and that Plaintiff’s motion for summary judgment (ECF No. 52) be dismissed as moot. (ECF No. 62, R&R.) Plaintiff filed objections on December 22, 2014. (ECF No. 63.) Defendant filed a response in opposition on January 5, 2015. (ECF No. 64.)

This Court is required to make a de novo determination of those portions of the R&R to which specific objection has been made, and may accept, reject, or modify any or all of the Magistrate Judge’s findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). “[A] general objection to a magistrate’s report, which fails to specify the issues of contention, does not satisfy the requirement that an objection be filed. The objections must

be clear enough to enable the district court to discern those issues that are dispositive and contentious.” *Miller v. Currie*, 50 F.3d 373, 380 (6th Cir. 1995).

Plaintiff contends he had no duty to exhaust administrative remedies because Defendant is not a jail, correctional facility or state actor, and because his grievance raised an issue that was not within the authority of the Department of Corrections to resolve.

Plaintiff’s objections are fully addressed in the R&R. Plaintiff has not identified any error in the R&R. On de novo review, the Court finds, for the reasons stated in the R&R, that Defendant is entitled to dismissal of Plaintiff’s claims for lack of exhaustion. Accordingly,

IT IS HEREBY ORDERED that Plaintiff’s objections to the R&R (ECF No. 63) are **OVERRULED**.

IT IS FURTHER ORDERED the December 15, 2015, R&R (ECF No. 62) is **APPROVED** and **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that Defendant’s motion for summary judgment (ECF No. 35) is **GRANTED**.

IT IS FURTHER ORDERED that Plaintiff’s motion for summary judgment (ECF No. 52) is **DENIED**.

Date: February 10, 2015

/s/ Robert Holmes Bell
ROBERT HOLMES BELL
UNITED STATES DISTRICT JUDGE